

110TH CONGRESS  
1ST SESSION

# S. 2310

To establish a National Catastrophe Risks Consortium and a National Homeowners' Insurance Stabilization Program, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 6, 2007

Mrs. CLINTON (for herself and Mr. NELSON of Florida) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

To establish a National Catastrophe Risks Consortium and a National Homeowners' Insurance Stabilization Program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Homeowners’ Defense Act of 2007”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Qualified reinsurance programs.
- Sec. 4. Definitions.

Sec. 5. Regulations.

#### TITLE I—NATIONAL CATASTROPHE RISK CONSORTIUM

Sec. 101. Establishment; status; principal office; membership.

Sec. 102. Functions.

Sec. 103. Powers.

Sec. 104. Nonprofit entity; conflicts of interest; audits.

Sec. 105. Management.

Sec. 106. Staff; experts and consultants.

Sec. 107. Federal liability.

Sec. 108. Authorization of appropriations.

#### TITLE II—NATIONAL HOMEOWNERS' INSURANCE STABILIZATION PROGRAM

Sec. 201. Establishment.

Sec. 202. Liquidity loans and catastrophic loans for State and regional reinsurance programs.

Sec. 203. Reports and audits.

Sec. 204. Funding.

### 1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—The Congress finds that—

3 (1) the United States has a history of cata-  
4 strophic natural disasters, including hurricanes, tor-  
5 nadoes, flood, fire, earthquakes, and volcanic erup-  
6 tions;

7 (2) although catastrophic natural disasters  
8 occur infrequently, they will continue to occur and  
9 are predictable;

10 (3) such disasters generate large economic  
11 losses and a major component of those losses comes  
12 from damage and destruction to homes;

13 (4) for the majority of Americans, their invest-  
14 ment in their home represents their single biggest  
15 asset and the protection of that investment is para-  
16 mount to economic and social stability;

1           (5) historically, when a natural disaster eclipses  
2           the ability of the private industry and a State to  
3           manage the loss, the Federal Government has  
4           stepped in to provide the funding and services need-  
5           ed for recovery;

6           (6) the cost of such Federal “bail-outs” are  
7           borne by all taxpayers equally, as there is no provi-  
8           sion to repay the money and resources provided,  
9           which thereby unfairly burdens citizens who live in  
10          lower risk communities;

11          (7) as the risk of catastrophic losses grows, so  
12          do the risks that any premiums collected by private  
13          insurers for extending coverage will be insufficient to  
14          cover future catastrophes (known as timing risk),  
15          and private insurers, in an effort to protect their  
16          shareholders and policyholders (in the case of mutu-  
17          ally-owned companies), have thus significantly raised  
18          premiums and curtailed insurance coverage in States  
19          exposed to major catastrophes;

20          (8) such effects on the insurance industry have  
21          been harmful to economic activity in States exposed  
22          to major catastrophes and have placed significant  
23          burdens on existing residents of such States;

24          (9) Hurricanes Katrina, Rita, and Wilma  
25          struck the United States in 2005, causing over

1       \$200,000,000,000 in total economic losses, and in-  
2       sured losses to homeowners in excess of  
3       \$50,000,000,000;

4           (10) since 2004, the Congress has appropriated  
5       more than \$58,000,000,000 in disaster relief to the  
6       States affected by natural catastrophes;

7           (11) the Federal Government has provided and  
8       will continue to provide resources to pay for losses  
9       from future catastrophes;

10          (12) when Federal assistance is provided to the  
11       States, accountability for Federal funds disbursed is  
12       paramount;

13          (13) the Government Accountability Office or  
14       other appropriate agencies must have the means in  
15       place to confirm that Federal funds for catastrophe  
16       relief have reached the appropriate victims and have  
17       contributed to the recovery effort as efficiently as  
18       possible so that taxpayer funds are not wasted and  
19       citizens are enabled to rebuild and resume produc-  
20       tive activities as quickly as possible;

21          (14) States that are recipients of Federal funds  
22       must be responsible to account for and provide an  
23       efficient means for distribution of funds to home-  
24       owners to enable the rapid rebuilding of local econo-  
25       mies after a catastrophic event without unduly bur-

1       denying taxpayers who live in areas seldom affected  
2       by natural disasters;

3           (15) State insurance and reinsurance programs  
4       can provide a mechanism for States to exercise that  
5       responsibility if they appropriately underwrite and  
6       price risk, and if they pay claims quickly and within  
7       established contractual terms; and

8           (16) State insurers and reinsurers, if appro-  
9       priately backstopped themselves, can absorb cata-  
10      strophic risk borne by private insurers without bear-  
11      ing timing risk, and thus enable all insurers (wheth-  
12      er State-operated or privately owned) to underwrite  
13      and price insurance without timing risk and in such  
14      a way to encourage property owners to pay for the  
15      appropriate insurance to protect themselves and to  
16      take steps to mitigate against the risks of disaster  
17      by locally appropriate methods.

18      (b) PURPOSES.—The purposes of this Act are to es-  
19      tablish a program to provide a Federal backstop for State-  
20      sponsored insurance programs to help homeowners pre-  
21      pare for and recover from the damages caused by natural  
22      catastrophes, to encourage mitigation and prevention for  
23      such catastrophes, to promote the use of private market  
24      capital as a means to insure against such catastrophes,

1 to expedite the payment of claims and better assist in the  
2 financial recovery from such catastrophes.

3 **SEC. 3. QUALIFIED REINSURANCE PROGRAMS.**

4 (a) IN GENERAL.—For purposes of this Act only, a  
5 program shall be considered to be a qualified reinsurance  
6 program if the program—

7 (1) is authorized by State law for the purposes  
8 described in this section;

9 (2) is an entity in which the authorizing State  
10 maintains a material, financial interest;

11 (3) provides reinsurance or retrocessional cov-  
12 erage to underlying primary insurers or reinsurers  
13 for losses arising from all personal residential lines  
14 of insurance, as defined in the Uniform Property &  
15 Casualty Product Coding Matrix published and  
16 maintained by the National Association of Insurance  
17 Commissioners;

18 (4) has a governing body, a majority of whose  
19 members are public officials;

20 (5) provides reinsurance or retrocessional cov-  
21 erage to underlying primary insurers or reinsurers  
22 for losses in excess of such amount that the Sec-  
23 retary has determined represents a catastrophic  
24 event in that particular State;

1           (6) is authorized by a State that has in effect  
2       such laws, regulations, or other requirements, as the  
3       Secretary shall by regulation provide, that—

4           (A) ensure, to the extent that reinsurance  
5       coverage made available under the qualified re-  
6       insurance program results in any cost savings  
7       in providing insurance coverage for risks in  
8       such State, such cost savings are reflected in  
9       premium rates charged to consumers for such  
10      coverage;

11          (B) require that any new construction,  
12      substantial rehabilitation, and renovation in-  
13      sured or reinsured by the program complies  
14      with applicable State or local government build-  
15      ing, fire, and safety codes;

16          (C) require State authorized insurance en-  
17      tities within that State to establish an insur-  
18      ance rate structure that takes into account  
19      measures to mitigate insurance losses;

20          (D) require State authorized insurance and  
21      reinsurance entities within that State to estab-  
22      lish rates at a level that annually produces ex-  
23      pected premiums that shall be sufficient to pay  
24      the expected annualized cost of all claims, loss

1 adjustment expenses, and all administrative  
2 costs of reinsurance coverage offered; and

3 (E) encourage State authorized insurance  
4 and reinsurance entities within that State to es-  
5 tablish rates that do not involve cross-subsidiza-  
6 tion between any separate property and cas-  
7 ualty lines covered under the State authorized  
8 insurance or reinsurance entity; and

9 (7) complies with such additional organiza-  
10 tional, underwriting, and financial requirements as  
11 the Secretary shall, by regulation, provide to carry  
12 out the purposes of this Act.

13 (b) TRANSITIONAL MECHANISMS.—For the 5-year  
14 period beginning on the date of enactment of this Act, in  
15 the case of a State that does not have a qualified reinsur-  
16 ance program for the State, a State residual insurance  
17 market entity for such State shall be considered to be a  
18 qualified reinsurance program, but only if such State re-  
19 sidual insurance market entity was in existence before  
20 such date of enactment.

21 (c) PRECERTIFICATION.—The Secretary shall estab-  
22 lish procedures and standards for State and regional rein-  
23 surance programs and the State residual insurance market  
24 entities described in subsection (b) to apply to the Sec-



1 retary at any time for certification (and recertification)  
 2 as qualified reinsurance programs.

3 (d) REINSURANCE TO COVER EXPOSURE.—This sec-  
 4 tion may not be construed to limit or prevent any insurer  
 5 from obtaining reinsurance coverage for insured losses re-  
 6 tained by insurers pursuant to this section, nor shall the  
 7 obtaining of such coverage affect the calculation of the  
 8 amount of any loan under this Act.

9 **SEC. 4. DEFINITIONS.**

10 For purposes of this Act, the following definitions  
 11 shall apply:

12 (1) CEILING COVERAGE LEVEL.—The term  
 13 “ceiling coverage level” means, with respect to a  
 14 qualified reinsurance program, the maximum liabil-  
 15 ity, under law, that could be incurred at any time  
 16 by the qualified reinsurance program.

17 (2) COMMISSION.—The term “Commission”  
 18 means the National Commission on Natural Catas-  
 19 trophe Preparation and Protection established under  
 20 title II.

21 (3) CONSORTIUM.—The term “Consortium”  
 22 means the National Catastrophic Risk Consortium  
 23 established under title I.

1           (4) INSURED LOSS.—The term “insured loss”  
 2       means any loss insured by a qualified reinsurance  
 3       program.

4           (5) QUALIFIED REINSURANCE PROGRAM.—The  
 5       term “qualified reinsurance program” means a State  
 6       or regional program that meets the requirements of  
 7       section 3.

8           (6) SECRETARY.—The term “Secretary” means  
 9       the Secretary of the Treasury.

10          (7) STATE.—The term “State” includes the  
 11       several States, the District of Columbia, the Com-  
 12       monwealth of Puerto Rico, Guam, the Common-  
 13       wealth of the Northern Mariana Islands, the United  
 14       States Virgin Islands, and American Samoa.

15 **SEC. 5. REGULATIONS.**

16       The Secretary shall issue such regulations as may be  
 17       necessary to carry out this Act.

18 **TITLE       I—NATIONAL       CATAS-**  
 19 **TROPHE RISK CONSORTIUM**

20 **SEC. 101. ESTABLISHMENT; STATUS; PRINCIPAL OFFICE;**  
 21 **MEMBERSHIP.**

22       (a) ESTABLISHMENT.—There is established an entity  
 23       to be known as the “National Catastrophe Risk Consor-  
 24       tium”.

1 (b) STATUS.—The Consortium is not a department,  
 2 agency, or instrumentality of the United States Govern-  
 3 ment.

4 (c) PRINCIPAL OFFICE.—The principal office and  
 5 place of business of the Consortium shall be such location  
 6 within the United States determined by the Board of Di-  
 7 rectors to be the most advantageous for carrying out the  
 8 purpose and functions of the Consortium.

9 (d) MEMBERSHIP.—Any State that has established a  
 10 reinsurance fund or has authorized the operation of a  
 11 State residual insurance market entity shall be eligible to  
 12 participate in the Consortium.

13 **SEC. 102. FUNCTIONS.**

14 The Consortium shall—

15 (1) work with all States, particularly those par-  
 16 ticipating in the Consortium, to gather and maintain  
 17 an inventory of catastrophe risk obligations held by  
 18 State reinsurance funds and State residual insur-  
 19 ance market entities;

20 (2) at the discretion of the affected members  
 21 and on a conduit basis, issue securities and other fi-  
 22 nancial instruments linked to the catastrophe risks  
 23 insured or reinsured through members of the Con-  
 24 sortium in the capital markets;

1           (3) coordinate reinsurance contracts between  
2       participating, qualified reinsurance funds and pri-  
3       vate parties;

4           (4) act as a centralized repository of State risk  
5       information that can be accessed by private-market  
6       participants seeking to participate in the trans-  
7       actions described in paragraphs (2) and (3) of this  
8       section;

9           (5) use a catastrophe risk database to perform  
10      research and analysis that encourages standardiza-  
11      tion of the risk-linked securities market;

12          (6) perform any other functions, other than as-  
13      suming risk or incurring debt, that are deemed nec-  
14      essary to aid in the transfer of catastrophe risk from  
15      participating States to private parties; and

16          (7) submit annual reports to Congress describ-  
17      ing the activities of the Consortium for the pre-  
18      ceding year.

19 **SEC. 103. POWERS.**

20       The Consortium—

21          (1) may make and perform such contracts and  
22      other agreements with any individual or other pri-  
23      vate or public entity however designated and wher-  
24      ever situated, as may be necessary for carrying out  
25      the functions of the Consortium; and

1           (2) shall have such other powers, other than the  
 2           power to assume risk or incur debt, as may be nec-  
 3           essary and incident to carrying out this Act.

4 **SEC. 104. NONPROFIT ENTITY; CONFLICTS OF INTEREST;**  
 5 **AUDITS.**

6           (a) NONPROFIT ENTITY.—The Consortium shall be  
 7           a nonprofit entity and no part of the net earnings of the  
 8           Consortium shall inure to the benefit of any member,  
 9           founder, contributor, or individual.

10          (b) CONFLICTS OF INTEREST.—No director, officer,  
 11          or employee of the Consortium shall in any manner, di-  
 12          rectly or indirectly, participate in the deliberation upon or  
 13          the determination of any question affecting his or her per-  
 14          sonal interests or the interests of any Consortium, part-  
 15          nership, or organization in which he or she is directly or  
 16          indirectly interested.

17          (c) AUDITS.—

18               (1) ANNUAL AUDIT.—The financial statements  
 19               of the Consortium shall be audited annually in ac-  
 20               cordance with generally accepted auditing standards  
 21               by independent certified public accountants.

22               (2) REPORTS.—The report of each annual audit  
 23               pursuant to paragraph (1) shall be included in the  
 24               annual report submitted in accordance with section  
 25               102(7).

1 **SEC. 105. MANAGEMENT.**

2 (a) BOARD OF DIRECTORS; MEMBERSHIP; DESIGNA-  
3 TION OF CHAIRPERSON.—

4 (1) BOARD OF DIRECTORS.—The management  
5 of the Consortium shall be vested in a board of di-  
6 rectors (referred to in this title as the “Board”)  
7 composed of not fewer than 3 members.

8 (2) CHAIRPERSON.—The Secretary, or the des-  
9 ignee of the Secretary, shall serve as the chairperson  
10 of the Board.

11 (3) MEMBERSHIP.—The members of the Board  
12 shall include—

13 (A) the Secretary of Homeland Security  
14 and the Secretary of Commerce, or the des-  
15 ignees of such Secretaries, respectively, but only  
16 during such times as there are fewer than 2  
17 States participating in the Consortium; and

18 (B) a member from each State partici-  
19 pating in the Consortium, who shall be ap-  
20 pointed by such State.

21 (b) BYLAWS.—The Board may prescribe, amend, and  
22 repeal such bylaws as may be necessary for carrying out  
23 the functions of the Consortium.

24 (c) COMPENSATION, ACTUAL, NECESSARY, AND  
25 TRANSPORTATION EXPENSES.—

1           (1) NON-FEDERAL EMPLOYEES.—A member of  
2     the Board who is not otherwise employed by the  
3     Federal Government shall be entitled to receive the  
4     daily equivalent of the annual rate of basic pay pay-  
5     able for level IV of the Executive Schedule under  
6     section 5315 of title 5, United States Code, as in ef-  
7     fect from time to time, for each day (including travel  
8     time) during which such member is engaged in the  
9     actual performance of duties of the Consortium.

10          (2) FEDERAL EMPLOYEES.—A member of the  
11     Board who is an officer or employee of the Federal  
12     Government shall serve without additional pay (or  
13     benefits in the nature of compensation) for service  
14     as a member of the Consortium.

15          (3) TRAVEL EXPENSES.—Members of the Con-  
16     sortium shall be entitled to receive travel expenses,  
17     including per diem in lieu of subsistence, equivalent  
18     to those set forth in subchapter I of chapter 57 of  
19     title 5, United States Code.

20          (d) QUORUM.—A majority of the Board shall con-  
21     stitute a quorum.

22          (e) EXECUTIVE DIRECTOR.—The Board shall ap-  
23     point an executive director of the Consortium, on such  
24     terms as the Board may determine.

1 **SEC. 106. STAFF; EXPERTS AND CONSULTANTS.**

2 (a) STAFF.—

3 (1) APPOINTMENT.—The Board of the Consor-  
4 tium may appoint and terminate such other staff as  
5 are necessary to enable the Consortium to perform  
6 its duties.

7 (2) COMPENSATION.—The Board of the Con-  
8 sortium may fix the compensation of the executive  
9 director and other staff.

10 (b) EXPERTS AND CONSULTANTS.—The Board shall  
11 procure the services of experts and consultants as the  
12 Board considers appropriate.

13 **SEC. 107. FEDERAL LIABILITY.**

14 The Federal Government and the Consortium shall  
15 not bear any liabilities arising from the actions of the Con-  
16 sortium. Participating States shall retain all catastrophe  
17 risk until the completion of a transaction described in  
18 paragraphs (2) and (3) of section 102.

19 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated to carry out  
21 this title \$20,000,000 for each of fiscal years 2008  
22 through 2013.



1 **TITLE II—NATIONAL HOME-**  
 2 **OWNERS' INSURANCE STA-**  
 3 **BILIZATION PROGRAM**

4 **SEC. 201. ESTABLISHMENT.**

5 The Secretary shall carry out a program under this  
 6 title to make liquidity loans and catastrophic loans under  
 7 section 202 to qualified reinsurance programs to ensure  
 8 the solvency of such programs, to improve the availability  
 9 and affordability of homeowners' insurance, to provide in-  
 10 centive for risk transfer to the private capital and reinsur-  
 11 ance markets, and to spread the risk of catastrophic finan-  
 12 cial loss resulting from natural disasters and catastrophic  
 13 events.

14 **SEC. 202. LIQUIDITY LOANS AND CATASTROPHIC LOANS**  
 15 **FOR STATE AND REGIONAL REINSURANCE**  
 16 **PROGRAMS.**

17 (a) **CONTRACTS.**—The Secretary may enter into a  
 18 contract with a qualified reinsurance program to carry out  
 19 this title, as the Secretary may deem appropriate. The  
 20 contract shall include, at a minimum, the conditions for  
 21 loan eligibility set forth in this section.

22 (b) **CONDITIONS FOR LOAN ELIGIBILITY.**—A loan  
 23 under this section may be made only to a qualified reinsur-  
 24 ance program and only if—

25 (1) before the loan is made—

1 (A) the State or regional reinsurance pro-  
2 gram submits to the Secretary a report setting  
3 forth, in such form and including such informa-  
4 tion as the Secretary shall require, how the pro-  
5 gram plans to repay the loan; and

6 (B) based upon the report of the program,  
7 the Secretary determines that the program can  
8 meet its repayment obligation under the loan  
9 and certifies that the program can meet such  
10 obligation;

11 (2) the program cannot access capital in the  
12 private market, including through catastrophe bonds  
13 and other securities sold through the facility created  
14 in title I of this Act, as determined by the Secretary,  
15 and a loan may be made to such a qualified reinsur-  
16 ance program only to the extent that such program  
17 cannot access capital in the private market;

18 (3) the Secretary determines that an event has  
19 resulted in insured losses in a State with a qualified  
20 reinsurance program;

21 (4) the loan complies with the requirements  
22 under subsection (d) and or (e), as applicable; and

23 (5) the loan is afforded the full faith and credit  
24 of the State and the State demonstrates to the Sec-  
25 retary that it has the ability to repay the loans.

1       (c) MANDATORY ASSISTANCE FOR QUALIFIED REIN-  
 2       SURANCE PROGRAMS.—The Secretary shall, upon the re-  
 3       quest of a qualified reinsurance program and subject to  
 4       subsection (b), make a loan under subsection (d) or (e)  
 5       for such program in the amount requested by such pro-  
 6       gram (subject to the limitations under subsections (d)(2)  
 7       and (e)(2), respectively).

8       (d) LIQUIDITY LOANS.—A loan under this subsection  
 9       for a qualified reinsurance program shall be subject to the  
 10      following requirements:

11           (1) PRECONDITIONS.—The Secretary shall have  
 12      determined that the qualified reinsurance program—

13                   (A) has a capital liquidity shortage, in ac-  
 14                   cordance with regulations that the Secretary  
 15                   shall establish; and

16                   (B) cannot access capital markets at effec-  
 17                   tive rates of interest lower than those provided  
 18                   in paragraph (3).

19           (2) AMOUNT.—The principal amount of the  
 20      loan may not exceed the ceiling coverage level for the  
 21      qualified reinsurance program.

22           (3) RATE OF INTEREST.—The loan shall bear  
 23      interest at an annual rate 3 percentage points high-  
 24      er than marketable obligations of the Treasury hav-  
 25      ing the same term to maturity as the loan and

1 issued during the most recently completed month, as  
2 determined by the Secretary, or such higher rate as  
3 may be necessary to ensure that the amounts of in-  
4 terest paid under such loans exceed the sum of the  
5 costs (as such term is defined in section 502 of the  
6 Federal Credit Reform Act of 1990 (2 U.S.C.  
7 661a)) of such loans, the administrative costs in-  
8 volved in carrying out a program under this title for  
9 such loans, and any incidental effects on govern-  
10 mental receipts and outlays.

11 (4) TERM.—The loan shall have a term to ma-  
12 turity of not less than 5 years and not more than  
13 10 years.

14 (e) CATASTROPHIC LOANS.—A loan under this sub-  
15 section for a qualified reinsurance program shall be sub-  
16 ject to the following requirements:

17 (1) PRECONDITIONS.—The Secretary shall have  
18 determined that an event has resulted in insured  
19 losses in a State with a qualified reinsurance pro-  
20 gram and that such insured losses in such State are  
21 in excess of 150 percent of the aggregate amount of  
22 direct written premium for privately issued property  
23 and casualty insurance, for risks located in that  
24 State, over the calendar year preceding such event,

1 in accordance with regulations that the Secretary  
2 shall establish.

3 (2) AMOUNT.—The principal amount of the  
4 loan made pursuant to an event referred to in para-  
5 graph (1) may not exceed the amount by which the  
6 insured losses sustained as a result of such event ex-  
7 ceed the ceiling coverage level for the qualified rein-  
8 surance program.

9 (3) RATE OF INTEREST.—The loan shall bear  
10 interest at an annual rate 0.20 percentage points  
11 higher than marketable obligations of the United  
12 States Treasury having a term to maturity of not  
13 less than 10 years and issued during the most re-  
14 cently completed month, as determined by the Sec-  
15 retary, or such higher rate as may be necessary to  
16 ensure that the amounts of interest paid under such  
17 loans exceed the sum of the costs (as such term is  
18 defined in section 502 of the Federal Credit Reform  
19 Act of 1990 (2 U.S.C. 661a)) of such loans, the ad-  
20 ministrative costs involved in carrying out a program  
21 under this title for such loans, and any incidental ef-  
22 fects on governmental receipts and outlays.

23 (4) TERM.—The loan shall have a term to ma-  
24 turity of not less than 10 years.

1       (f) USE OF FUNDS.—Amounts from a loan under this  
2 section shall only be used to provide reinsurance or  
3 retrocessional coverage to underlying primary insurers or  
4 reinsurers for losses arising from all personal real property  
5 or homeowners' lines of insurance, as defined in the Uni-  
6 form Property & Casualty Product Coding Matrix pub-  
7 lished and maintained by the National Association of In-  
8 surance Commissioners. Such amounts shall not be used  
9 for any other purpose.

10 **SEC. 203. REPORTS AND AUDITS.**

11       The Secretary shall submit a report to the President  
12 and the Congress annually that identifies and describes  
13 any loans made under this title during such year and any  
14 repayments during such year of loans made under this  
15 title, and describes actions taken to ensure accountability  
16 of loan funds. The Secretary shall provide for regular au-  
17 dits to be conducted for each loan made under this title,  
18 and shall make the results of such audits publicly avail-  
19 able.

20 **SEC. 204. FUNDING.**

21       (a) PROGRAM FEE.—

22           (1) IN GENERAL.—The Secretary may establish  
23 and collect, from qualified reinsurance programs  
24 that are precertified pursuant to section 3(c), a rea-  
25 sonable fee, as may be necessary to offset the ex-

1       penses of the Secretary in connection with carrying  
2       out the responsibilities of the Secretary under this  
3       title, including—

4               (A) costs of developing, implementing, and  
5       carrying out the program under this title; and

6               (B) costs of providing for precertification  
7       pursuant to section 3(c) of State and regional  
8       reinsurance programs as qualified reinsurance  
9       programs.

10       (2) ADJUSTMENT.—The Secretary may, from  
11       time to time, adjust the fee under paragraph (1) as  
12       appropriate based on expenses of the Secretary re-  
13       ferred to in such paragraph.

14       (3) USE.—Any fees collected pursuant to this  
15       subsection shall be credited as offsetting collections  
16       of the Department of the Treasury and shall be  
17       available to the Secretary only for expenses referred  
18       to in paragraph (1).

19       (b) COSTS OF LOANS; ADMINISTRATIVE COSTS.—To  
20       the extent that amounts of negative credit subsidy are re-  
21       ceived by the Secretary in any fiscal year pursuant to  
22       loans made under this title, such amounts shall be avail-  
23       able for costs (as such term is defined in section 502 of  
24       the Federal Credit Reform Act of 1990 (2 U.S.C. 661a))

1 of such loans and for costs of carrying out the program  
2 under this title for such loans.

3 (c) FULL TAXPAYER REPAYMENT.—The Secretary  
4 shall require the full repayment of all loans made under  
5 this title. If the Secretary determines at any time that  
6 such full repayment will not made, or is likely not to be  
7 made, the Secretary shall promptly submit a report to the  
8 Congress explaining why such full repayment will not be  
9 made or is likely not to be made.

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